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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,151	10/26/2006	Eckard Fischer	710.1039	6151
23280 7590 07/28/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER ADAMS, TASHIANA R				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
07/28/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/568,151

**Applicant(s)**

FISCHER ET AL.

**Examiner**

TASHIANA ADAMS

**Art Unit**

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 15, 23-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) 16-22 and 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/13/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used to designate both a "parking space" in Para 33 and Fig. 1 and "a stationary coordinate system" in Para 51 and Fig. 6a. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The brief description of drawings section refers to certain illustrative components that are not in the Figs. Mention. Please review entire application to assure that when a component is specifically mentioned to be in a specific fig. that it does indeed refer to the correct figures.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 15, 23-25, 27 and 28 rejected under 35 U.S.C. 102(e) as being anticipated by Dudeck et al. US PG Pub. 2006/0113119).** Dudeck et al. discloses a method for assisting the driver of a vehicle during a driving maneuver(See Fig. 1), a reference trajectory corresponding to the driving maneuver being determined, the vehicle to be moved along the reference trajectory during the driving maneuver, the steering wheel position to be respectively set to steer the vehicle along the reference trajectory being indicated to the driver during the driving maneuver(See Specification Para 0038-0050) , the method comprising: correcting, independently of the driver, a steering angle deviation between an actual steering angle actually set by the driver and a setpoint steering angle corresponding to the indicated steering wheel position, the driver-independent correction of the steering angle deviation taking place only if the steering angle deviation lies within a predefined steering angle correction range(See Specification Para 0051)[**claim 23**] wherein the steering wheel position to be set is indicated by providing audible information to the driver or providing visual information to the driver or providing haptic information to the driver(See Specification Para

0051)[**claim 24**] wherein the providing of haptic information includes changing a steering wheel torque to be applied by the driver(See Specification Para 0051 and its inherent that such is being informed to the driver since it quickly tells the driver if his/her torque applied to the steering wheel takes the vehicle off the trajectory set for performing the maneuver)[**claim 25**] wherein the driving maneuver is a parking maneuver(See Fig. 1) and the reference trajectory indicates an ideal path from a current position of the vehicle to the parked position(See Figs. 2,5-6)[**claim 27**] a device for carrying out the method for assisting the driver during the driving maneuver as recited in claim 15, the device comprising:

an evaluation device determining the reference trajectory corresponding to the driving maneuver and the steering angle deviation; means for indicating the steering wheel position to be set by the driver; and steering means for steering the vehicle along the reference trajectory and correcting the steering angle deviation detected by the evaluation device, the steering means being actuable independently of the driver (See Para 0029-0051)[**claim 28**] A vehicle comprising: vehicle wheels having a steering angle(See Fig.1 where it is inherent that the vehicle has such wheels and a steering angle is created); a steering wheel connected to the vehicle wheels and influencing the steering angle(See Para 0041 for example); a steering assistance device connected to the vehicle wheels and influencing the steering angle(See Para 0051);  
an indicator for indicating a reference trajectory of the vehicle corresponding to a driving maneuver(See Para 0038-0051); an evaluation unit determining a steering angle deviation between an actual angle of the steering wheel and a setpoint angle

corresponding to the reference trajectory, the evaluation unit controlling the steering assistance device independently of the driver when the steering angle deviation is less than a predefined angle so that the steering angle is set to the setpoint angle(See Para 0038-0051).

5. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

***Allowable Subject Matter***

6. Claims 16-22 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TASHIANA ADAMS whose telephone number is (571)270-5228. The examiner can normally be reached on Monday - Thursday 6:30 AM - 5:00 PM ( Every Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TASHIANA ADAMS/  
Examiner, Art Unit 3611

/Joanne Silbermann/

Primary Examiner, Art Unit 3611